

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF

STEPHEN ESCONDON MEDINA

FILED

COURT CASE NUMBER

08cv0896 JLS (RBB)

DEFENDANT

CORRECTIONAL OFFICER R. HUESO

2008 JUL 21 AM 8:29

TYPE OF PROCESS

42 U.S.C. 1983

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

CLERK US DISTRICT COURT
CORRECTIONAL OFFICER R. HUESO

SOUTHERN DISTRICT OF CALIFORNIA

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

200
7018 BLAIR ROAD, P.O. BOX 5002, CALIPATRIA, CALIFORNIA 92233

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

STEPHEN ESCONDON MEDINA
CDC# E-63667
P.O. BOX 5002
CALIPATRIA STATE PRISON
CALIPATRIA, CALIFORNIA 92233

Number of process to be served with this Form - 285

1

Number of parties to be served in this case

2

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

Fold

Fold

DEFENDANT R. HUESO IS A CORRECTIONAL OFFICER OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS, WHO IS CURRENTLY ASSIGNED TO CALIPATRIA STATE PRISON. ON JULY 18, 2007, THIS OFFICER TRANSPORTED PLAINTIFF TO ALVARADO HOSPITAL MEDICAL CENTER. THIS DEFENDANT HELD THE POSITION OF "SEARCH AND ESCORT" ON JULY 18, 2007. THE TELEPHONE NUMBER FOR CALIPATRIA STATE PRISON IS: (760) 348-7000.

Signature of Attorney or other Originator requesting service on behalf of:

Stephen Medina

PLAINTIFF
 DEFENDANT

TELEPHONE NUMBER

DATE

6-15-08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated.
(Sign only first USM 285 if more than one USM 285 is submitted)

Total Process
1District of Origin
No. 98District to Serve
No. 98

Signature of Authorized USMS Deputy or Clerk

Date

Acosta

6/18/08

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

A person of suitable age and discretion then residing in the defendant's usual place of abode.

Address (complete only if different than shown above)

Date of Service
Time
pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS: *6/18/08 Mailed S/C**07/21/08- Read waiver of service of summons.**Copy to court and plaintiff*

Waiver of Service of Summons

To: U.S. Marshal

RECEIVED

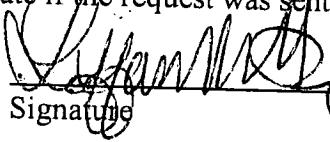
2008 JUL 21 A.M.
I, acknowledge receipt of your request that I waive service of a summons in the action of Medina, Stephen Escondon v. R. Hueso, et al., which is case number 08CV0869 JLS RBB in the United States District Court for the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with a judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after June 18, 2008, or within 90 days after that date if the request was sent outside the United States.

Date: 7/17/08


Signature

Defendant hereby waives personal service of this complaint pursuant to rule 4(d) of the Federal Rules of Civil Procedure

Printed/Typed Name: Tiffany R. Hixson
as Deputy Attorney General
of the Office of the Attorney General

Attorneys for R. Hueso, Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the costs of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A Defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that Defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Stephen Escondon Medina

vs

R Hueso, Castrone

SUMMONS IN A CIVIL ACTION

Case No. 08cv896 JLS (RBB)

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Stephen Escondon Medina
E-63667
PO Box 5002
Calipatria, CA 92233

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.

June 9, 2008

Clerk of Court

DATE

M. Zvers
By M. Zvers, Deputy Clerk